

REMARKS

Claims 1-6, 8 and 9 are pending. Claims 2-6 have been canceled without prejudice or disclaimer.

No new subject matter has been added to the application.

The 102 Rejection

Claims 1, 3, 4, and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,881,477 to Watson. Claims 3, 4, and 5 have been canceled without prejudice or disclaimer. This rejection is respectfully traversed as follows.

The Office Action states that, in Watson, “handles (20) are formed into the body of the platform”. Watson discloses a peripheral curved lip (20, 120): “The exterior periphery of the snowshoe platform in each of the embodiments includes a peripheral curved lip which provides the necessary edge control for traversing sloped terrain” (Col. 3, lines 57ff). “[The] peripheral curved lip serve[s] as a means for gripping the snow or ice-covered terrain” (Col. 3, line 62). Watson does not disclose the peripheral curved lip embodied as a handle. Applicants interpret this as a rejection based on inherency, with neither rationale nor evidence tending to show inherency provided.

In order to sustain a §102 rejection of independent claim 1, each and every feature of the claim must be taught by the reference.

Comparison of Claim 1 with Watson

Claim 1 recites “a planar platform having a body and periphery” and “one or more handles, protruding from and in substantially close proximity to said periphery”.

The current invention discloses “handles (11) located along the periphery of the platform (1)”. Figures 1 and 2 of the current invention depict the handles (11) protruding from and in substantially close proximity to the periphery of the platform. Watson discloses a handle (270) attached to the decking (117). The decking (117) disclosed by Watson is structurally identical to the *planar top surface* (22) disclosed by the current invention. Watson therefore *teaches away* from the handle attaching to or protruding from the *periphery* of the platform.

Watson discloses that “the peripheral curved lip (120) provides a rigid edge with which digging even in frozen snow is possible” (Col. 11, lines 8ff). Watson depicts in Figure 20 the handle (270) structurally attached to the decking (117), in view of the peripheral curved lip (120). The handle (270) structurally *extends a substantial distance* from the periphery of the platform (12), functionally consistent “for use as an implement such as a shovel or the like” (Col. 10, line 59). Watson therefore *teaches away* from the handle being in substantially close proximity to the periphery of the platform. Watson also *teaches away* from the peripheral curved lip (20, 120) functioning as a handle since the peripheral curved lip structurally provides a rigid edge while cooperating with a structure disclosed as a handle (270).

In view of the above arguments, Applicants contend that the above §102 rejection is traversed and independent claim 1, and all claims dependent thereon, are patentable over Watson.

The 103 Rejections

Claims 2 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Watson. Claims 2 and 6 have been canceled without prejudice or disclaimer.

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Watson in view of U.S. Patent 6,178,666 to Kiniry. This rejection is respectfully traversed in view of the amendment of independent claim 1, claims 8 and 9 dependent thereon.

The prior art made of record and not relied upon has been reviewed but is not considered material to the patentability of the invention.

No fees are believed to be due with this response.

It should be noted that the above arguments are directed towards certain patentable distinctions between the claims and the prior art cited. However, the patentable distinctions between the pending claims and the prior art cited are not necessarily limited to those discussed above.

In view of the foregoing remarks and amendments, it is respectfully submitted that each rejection of the Office Action has been addressed and overcome so that this application is now in condition for allowance. The Examiner is respectfully requested to reconsider the application, withdraw the rejections and/or objections, and pass the application to issue. Should questions arise during examination, the Examiner is welcome to contact the applicant as listed below.

Respectfully submitted



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FACSIMILE CERTIFICATION

I hereby certify that this correspondence is being sent via facsimile to Primary Examiner Anita M. King at 571 273-8300 at the United States Patent and Trademark Office on April 21, 2008.


Michael G. Vieira